

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF MODIFYING MINIMUM)
STREAM FLOW WATER RIGHTS AS)
PROVIDED IN THE SNAKE RIVER WATER) RESOLUTION
RIGHTS AGREEMENT OF 2004)
_____)

WHEREAS, on December 17, 2004, the Idaho Water Resource Board ("Board") adopted a resolution providing approval of the Snake River Water Rights Agreement of 2004 ("Term Sheet" or "agreement") and recommending Legislative approval; and

WHEREAS, the Term Sheet, among other things, provides for the establishment of minimum stream flow water rights on selected streams to be held by the Board in trust for the people of Idaho; and

WHEREAS, the minimum stream flows reserve opportunities consistent with the Term Sheet; and

WHEREAS, the streams have been divided into "A" and "B" List groups based on land ownership and level of existing use; and

WHEREAS, on February 8, 2005, the Idaho Water Resource Board ("Board") adopted a resolution approving the minimum stream flows on the "A" and "B" List groups ; and

WHEREAS, the "A" list, attached hereto as Attachment 1, will have minimum stream flows and future non-DCMI ("domestic, commercial, municipal and industrial") levels assigned based on categories of ownership; and

WHEREAS, Yoosa Creek was assigned to the wrong ownership category, and the minimum stream flows for Yoosa Creek, as listed in the attachment accompanying the Board's resolution of February 8, 2005, were further calculated erroneously, resulting in flows much higher than could be sustained; and

WHEREAS, Rhoda Creek, as listed in the attachment accompanying the Board's resolution of February 8, 2005, was erroneously identified as a tributary to the Selway River; and

WHEREAS, the correction of errors to the descriptions of minimum stream flows on Yoosa Creek and Rhoda Creek do not enlarge or otherwise significantly modify the minimum stream flows, but, in the case of Yoosa Creek, actually reduce the minimum stream flows.

NOW THEREFORE BE IT RESOLVED that the Board relinquishes a portion of the minimum stream flow for Yoosa Creek, and directs staff to correct the description of Rhoda Creek, so that the notices of claim for these minimum stream flows reflect the information set forth below:


Yoosa Creek:

- (1) Changes from A-State/Private to A-Federal non-Wilderness.
- (2) The monthly minimum stream flows are:

Jan	6.1 cfs
Feb	15.6 cfs
Mar	27.1 cfs
Apr	40.4 cfs
May	37.8 cfs
Jun	22.0 cfs
Jul	5.7 cfs
Aug	2.6 cfs
Sep	3.1 cfs
Oct	2.9 cfs
Nov	5.4 cfs
Dec	5.3 cfs

Rhoda Creek – Attachment 1 is modified to show Rhoda Creek as tributary to North Fork Moose Creek, not the Selway River as indicated in the previous Attachment 1.

Dated this _____ day of May, 2005


Jerry R. Rigby, Chairman
Idaho Water Resource Board

ATTEST 
D. Richard Wyatt, Secretary